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# SELECTED READING LIST OF BOOKS HELPFUL IN THE STUDY OF THE PRINCIPAL LAWS WITHIN THE JURISDICTION OF THE INTERSTATE COMMERCE COMMISSION

Third and Revised Edition
1957

ASSOCIATION OF
INTERSTATE COMMERCE COMMISSION
PRACTITIONERS
1112 I. C. C. BUILDING
WASHINGTON 25, D. C.

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**Third and Revised Edition**
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**Association of**
**Interstate Commerce Commission Practitioners**
**1112 I. C. C. Building**
**Washington 25, D. C.**

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## INTRODUCTION

The Reading List has proved its educational value since the first edition in 1938—nearly twenty years ago. The current edition, as revised, 1957, is its third.

In 1938, Warren H. Wagner, then Chairman of the Committee on Education for Practice, of the Association of Interstate Commerce Commission Practitioners, prepared the first edition. The members of his committee were Walter W. Ahrens, Walter R. McFarland, Charles M. Spence, Edwin A. Lucas, W. L. Grubbs, Eric E. Ebert, C. R. Hillyer, and G. Lloyd Wilson.

The Reading List was conceived as a guide to prospective and newly-admitted practitioners. Its usefulness has broadened into many fields of practice as regulation itself has been extended. Congress has amended the Interstate Commerce Act rather frequently since 1938, thus bringing about more extensive regulation and enlarging the field of practice. The Interstate Commerce Act now provides regulation for railroads and pipelines, motor carriers, water carriers and freight forwarders. As the Act is made up of these four parts, the Reading List follows the same divisions: Part I, railroads and pipelines; part II, motor carriers; part III, water carriers; and part IV, freight forwarders.

The 1947 revision was undertaken by Joseph H. Tedrow, Chairman (1946-1947) of the Association's Committee on Education for Practice. The members of his committee were Charles E. Blaine, Joseph G. Cooper, Andrew P. Martin, Allan P. Matthew, Robert E. Quirk, Paul M. Ripley, Jack Garrett Scott, and W. G. Stone. The Honorable Clyde B. Aitchison, Chairman of the Interstate Commerce Commission at that time, enlisted the services of Miss M. R. Senior, Librarian of the Commission, and Mrs. B. W. Knight, Annotator of the Decisions of the I. C. C., to assist the committee with the 1947 revision.

The 1957 revision represents a long line of combined skills, knowledge and the efforts of qualified persons in education, transportation law and practice. Mr. Roland Rice, former President of the Association and a Trustee of American University, Washington, D. C., interested Dr. John E. McGrath, then Director of the Transportation Program at that University, in the 1957 revision as a project for a graduate student. Mrs. Rose Reque, working for her Master's degree, took on the assignment. She devoted some 150 hours to the research and preparation of the material used as the basis for this revision.

Fritz R. Kahn, attorney, practitioner, and teacher, brought the text material up to date through volume 17 of the Interstate Commerce Acts, Annotated, published in September 1957. Mr. Kahn also adapted Mrs. Reque's very extensive research material to the simplified needs of the Reading List. The condensed version keeps it in the small publication category, as originally intended, at a modest cost to everyone interested in purchasing a copy. Lillian Roberts of the Association staff has coordinated the compilation of the various sections of the material.

Numerous requests for a bibliography have led the Association to augment and update the Reading List bibliography. It includes important texts and articles in the law journals in addition to those cited in the text. Special attention is given to the subject of administrative law in the light of the Administrative Procedure Act, June 11, 1946, enacted chiefly through the efforts of the American Bar Association.

The Reading List and its bibliography serve as a bridge between the standard texts on interstate commerce law and practice before the Commission and other works selected from the great volume of literature now published on these subjects.

The I. C. C. practitioner serves an industry regulated by law where the "disciplines of economics and sociology apply." The late Dean Arthur T. Vanderbilt of the New York University School of Law, a former President of the American Bar Association, and Chief Justice of the Supreme Court of New Jersey, used these words in discussing administrative law in 1947:

"Law teachers, like lawyers generally, cannot easily give up their age-old intellectual habit of seeking all wisdom in the volumes of decisions reported in the English language, of provincial indifference toward the way other nations have solved similar problems, of a peculiar sort of unspoken contempt for legislation as a type of inferior law until such time as it shall have been construed by the courts, and of reluctance to apply the *disciplines of economics and sociology to legal problems.*"[1] (italics ours)

Does not the non-lawyer expert possess much "wisdom" in the fields of traffic, rates, agency prescribed rules and regulations, and so forth—directly subject to the "disciplines of economics and sociology?"

Of the lawyer and non-lawyer I. C. C. practitioner, Balthasar H. Meyer, a former Interstate Commerce Commissioner, wrote in the June, 1941 issue of the I. C. C. Practitioners' Journal:[2]

"Hundreds of practitioners appeared before the Interstate Commerce Commission between January 1, 1911, and April 30, 1939, the period of my service. From the standpoint of performance, I am unable to classify them as lawyer or non-lawyer. . . .

". . . Although law has long been recognized as one of the great professions, membership in a bar association or graduation from a law school and admission to a bar are by no means the decisive requisites for the successful conduct of proceedings before agencies like the Interstate Commerce Commission. Training in other lines of study may be just as helpful, or even more so. . . .

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[1] The Federal Administrative Procedure Act and the Administrative Agencies, New York, N. Y., New York University School of Law, Institute Proceedings, vol. VII, page 8, 1947.

[2] Vol. VIII, page 875.

". . . Men who understand transportation, and particularly men who thoroughly understand the facts in the case they are presenting are the most helpful to the Commission. The degree of their helpfulness is not determined by the amount of formal professional legal education they may possess. These have their value but other qualifications may have equal or greater value. . . .

"During the thousands of arguments to which I listened, it almost never occurred to me to ask in my own mind whether the speaker was a lawyer or a non-lawyer. That made no difference to me. His ability, honesty, industry, thoroughness and clarity in presentation made much difference. . . ."

* * *

Let us not lose sight, however, of the first purpose of the Reading List in the maze of controversial writings. The Reading List still serves as a working tool for the prospective and newly-admitted practitioners, both lawyer and non-lawyer. It serves, too, as a teaching aid in courses in transportation law and Commission practice, and as a reference work for schools and universities.

The Association of Interstate Commerce Commission Practitioners gratefully acknowledges the contributions made by those who have taken part in this project throughout the years,—contributions which have added immeasurably towards the Association's educational aims. It is with deep appreciation that the Association pays tribute to all of them, and especially to Warren H. Wagner, who sponsored the first edition and has maintained a vigorous interest in the revised editions.

SARAH F. MCDONOUGH, *Executive Secretary*

December, 1957

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